

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:21-cv-298

JERMAINE THOMPSON,
Plaintiff,

v.

JEREMY JAY DELKANIC and WESTERN
EXPRESS, INC.,
Defendants.

NOTICE OF REMOVAL

Defendants Jeremy Jay Delkanic and Western Express, Inc. file this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Defendants state the following in support of his removal:

1. Plaintiff Jermaine Thompson (“Plaintiff”) commenced this action on September 29, 2020 against Defendants in the Cumberland County Superior Court, State of North Carolina, by filing a Complaint styled *Jermaine Thompson v. Jeremy Jay Delkanic and Western Express, Inc.*, File No. 20 CVS 5277 (the “State Court Action”).
2. Counsel for Defendant Jeremy Jay Delkanic accepted service on his behalf on May 19, 2021.
3. Plaintiff served Defendant Western Express, Inc. with the Summons and Complaint by certified mail on June 18, 2021.
4. Defendants jointly file this Notice of Removal within thirty (30) days from service of process of the Summons and Complaint on Defendant Western Express, Inc. which set forth claims for relief upon which this proceeding is based, pursuant to 28 U.S.C. §§ 1441, 1446(b)(1), and 1446(b)(2).

5. All process, pleadings, and orders filed in the State Court Action, which were served on Defendants, are attached as Exhibit A.

6. Defendants have not yet filed an answer or other responsive pleading in the State Court Action. In filing this Notice of Removal, Defendants do not waive any defense or counterclaim they may have.

7. Plaintiff is a citizen of Cumberland County, North Carolina.

8. Defendant Jeremy Jay Delkanic is a citizen of Noxen, Pennsylvania.

9. Defendant Western Express, Inc is a corporation incorporated in the State of Tennessee with its principal place of business in Nashville, Tennessee.

10. Plaintiff is asserting claims for alleged negligence and punitive damages related to a motor vehicle accident. Plaintiff alleges past, present, and future damages due to bodily injury, pain and suffering, mental suffering, medical expenses, and disability or loss of normal life. Upon information and belief, Plaintiff's alleged damages are in excess of \$75,000.00.

11. The District Courts of the United States have original jurisdiction of this action pursuant to U.S.C. § 1332. There is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

12. Service of this Notice of Removal is being made on the Plaintiff as shown by the attached certificate of service.

13. As required by U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendants will serve Plaintiff and file with the Cumberland County Superior Court a Notice of Filing of Notice of Removal.

WHEREFORE, Defendants pray that this action be removed to this Court for all further proceedings, as though this action had originally been instituted in this Court. Defendants

further request that this Court assume jurisdiction over this action and proceed to a final determination thereof and that there be a trial by jury of all issues so triable.

This the 16th day of July 2021.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Anderson H. Phillips
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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing document upon the party shown below by depositing a copy of same in the United States mail, postage prepaid, addressed to said party.

This the 16th day of July 2021.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Anderson H. Phillips
DAVID M. DUKE
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Served on:

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